



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/510,913

02/23/2000

Robert Lane Cook

25791.02

3719

62519 7590 05/03/2007

HAYNES AND BOONE, LLP
901 MAIN STREET
SUITE 3100
DALLAS, TX 75202-3789

EXAMINER

BOMAR, THOMAS S

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

05/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	09/510,913		COOK ET AL.	
	Examiner		Art Unit	
	Shane Bomar		3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,6,8,12-17,19-21,23-25,28-56 and 66-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,6,8,16,17,23-25,28-44 and 46-56 is/are allowed.
- 6) ☒ Claim(s) 4,12,45 and 66-69 is/are rejected.
- 7) ☒ Claim(s) 13-15 and 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/28/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 67 is objected to because of the following informalities: the phrase Oilfield Country Tubular Goods (OCTG) is a widely known industry term and is akin to a Trademark name, which is inappropriate for use in a claim. It is known that Trademarks and industry terms such as this change over time, so referring to such a name can possibly change the claims meaning over time. Therefore, in lieu of the trade name, the structure that the name implies must be used in the claim. An example is the Trademark TEFLON, which must be referred to as a hook and loop material in a claim and not by the Trademark. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4, 12, 45, 66, 68, and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,337,823 to Nobileau.

Regarding claims 4, 12, and 66, Nobileau discloses a wellbore casing comprising a first tubular casing member 3 having a first inside diameter (see Fig. 5); and a second tubular casing member 3a having a second inside diameter equal to the first inside diameter coupled to the first tubular member in an overlapping relationship (see the upper 3a in Fig. 5); wherein the first and second tubular members are coupled by the process of deforming a portion of the second tubular

Art Unit: 3672

member into contact with a portion of the first tubular member; wherein, prior to the deformation, the inside diameters of the first and second tubular members are not equal (see Fig. 4); wherein, prior to the deformation, the inside diameters of the first and second tubular members are substantially constant, and wherein a portion of the first tubular member overlaps with a portion of the second tubular member (although the first tubular member is folded prior to expansion, the inside diameter is still constant along the length of the folded member); wherein the portion of the first tubular member that overlaps with the portion of the second tubular member comprises a thin walled portion 3b; and wherein the portion of the first tubular member that does not overlap with the portion of the second tubular member comprises a thick walled portion 3a (the lower 3a in Fig. 5), and wherein the thin wall section is not threaded (see also col. 4, lines 36-43 and col. 10, lines 55-66). It is further disclosed that the first and second wellbore casing members each substantially comprise steel since the fibers making up the tubulars can be replaced with steel wires (col. 8, lines 24-26).

Regarding claim 45, the cross sections of the first and second tubular members are substantially circular after expansion (see Fig. 5).

Regarding claim 68, prior to deformation, the first and second tubular members are substantially rigid due to the steel wires that make up the tubular and the bands 30 around the tubulars (Fig. 4 and col. 8, lines 24-26).

Regarding claim 69, prior to deformation, the first and second tubular members have substantially circular cross sections at elements 11' and 12' (Fig. 1B).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nobileau. Nobileau teaches the wellbore casing of claim 4, wherein two tubular casing members are coupled together to comprise the wellbore casing. The Applicant has given no criticality to the type of tubular member that makes up the casing because the specification (i.e., pages 89 and 90) states that any number of commercially available materials may be used. Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art that the two tubular casing members taught by Nobileau are commercially available and would therefore encompass the that which is currently claimed. Furthermore, there is nothing in the specification or the claims to specifically show that the tubular members of Nobileau cannot be considered OCTG.

Allowable Subject Matter

7. Claims 2, 6, 8, 16, 17, 23-25, 28-44, and 46-56 are allowed.
8. Claims 13-15 and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed February 14, 2007 with respect to claims 4 and 12 have been fully considered but they are not persuasive.
 - a. Regarding claim 4, the Applicant argues that Nobileau does not disclose that, prior to deformation, the inside diameter of the casing is substantially constant due to the horseshoe shape, which, to the Applicants understanding, cannot have an inside diameter and has a non-circular inside profile that cannot be constant. However, Fig. 1A clearly shows that when in the collapsed state, the outer diameter of skin 14 defines the inner diameter of the inner fold of the casing member. This inner diameter will be substantially constant along a vertical plane extending down into the tubular, as seen in the cross section. While it is true that the non-circular inside profile cannot be constant, this limitation is not present in the claims. It appears to the Examiner that the Applicant may be attempting to state that, prior to the deformation, the inside diameters of the tubular members are substantially constant throughout the inner circumference of the tubulars, which would better define the Applicant's invention.

b. Regarding claim 12, the Applicant argues that the rigidized fibers are not steel, so the casing of Nobileau doesn't substantially comprise steel. However, col. 8, lines 24-26 clearly show that steel wires replace the fibers; therefore the casing does substantially comprise steel.

c. Regarding claims 66-69, the Applicant alleges that Nobileau does not disclose the limitations of new claims 66-69, but does not provide any specific arguments or reasoning for such statement. Nevertheless, the Examiner has shown in each of the rejections of these claims that Nobileau does provide a disclosure or teaching for each of these limitations.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

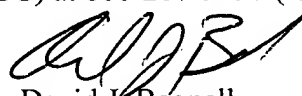
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3672

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane Bomar whose telephone number is 571-272-7026. The examiner can normally be reached on Monday - Thursday from 6:00am to 2:30pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


David J. Bagnell
Supervisory Patent Examiner
Art Unit 3672

tsb
April 30, 2007